



**COUNCILMEMBER DONNA FRYE**  
City of San Diego, Sixth District

**MEMORANDUM**

**DATE:** June 4, 2007  
**TO:** City Attorney, Michael Aguirre  
**FROM:** Councilmember Donna Frye *Donna Frye*  
**SUBJECT:** Docketing request for Sunroad's Centrum 12 Building

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As the elected official representing the district in which the Sunroad building is located, I believe it is critical for the City Council to be included in the discussion regarding solutions to this public safety matter. While I appreciate the Mayor's recent action of accepting responsibility, I oppose his proposal to the FAA that would allow the Sunroad building to exceed the FAA's height determination and require pilots to change their flight patterns. I am requesting that this matter be docketed for next week's closed session.

I also have attached proposed language for a Council Resolution supporting the Federal Aviation Administration's and the California Department of Transportation's position regarding the Sunroad building. I would appreciate your review of this to determine the legality of the proposed Resolution.

Thank you for your prompt attention to this critical safety issue.

DF:kcw

Attachment

## PROPOSED RESOLUTION

WHEREAS, the City Council of the City of San Diego finds the first objective of government is public safety and security; and

WHEREAS, Sunroad Enterprises and its subsidiaries built a building near the City's Montgomery Field Airport; and

WHEREAS, the building, based on Sunroad's own construction plans reaches 603 feet above mean sea level, which is 27 feet higher than the hazardous obstruction standards set by the Federal Aviation Administration; and

WHEREAS, the Federal Aviation Administration found, in its "DETERMINATION OF HAZARD TO AIR NAVIGATION", dated August 11, 2006, that the Sunroad building has "a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft and/or on the operation of air navigation facilities," pursuant to Code of Federal Regulations, Part 77; and

WHEREAS, the aforementioned Determination further found the Sunroad building is a hazard to aircraft operating in both visual and instrument meteorological conditions, and therefore, in addition to public safety and security concerns, limits the utility of Montgomery Field Airport at all times; NOW THEREFORE

BE IT RESOLVED, that the City Council of the City of San Diego urges all of its officials, departments, and employees to take appropriate steps to have the hazardous portion of the Sunroad building removed as soon as possible, in the interest of public safety and security, and the utility of Montgomery Field Airport.